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*Lead Attorneys Pro Hac Vice for Defendants St. Louis County, Missouri,
Rebecca Bealmear, Tim Fitch, Sgt. FNU Hoots, Timothy LaChance,
Terry Roberds, Detective O'Neill and Officer FNU Wilmering*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

WILLIAM MICHAEL HART,

Plaintiff,

v.

SHERRY ANN SALOIS, et al.,

Defendants.

RESPONSE IN OPPOSITION TO

**PLAINTIFF'S MOTION FOR
RECOVERY OF COSTS OF SERVICE
OF DEFENDANTS
ST. LOUIS COUNTY, BEALMEAR,
FITCH, HOOTS, LACHANCE,
ROBERDS, O'NEILL, AND
WILMERING**

Civil No. 2:13-cv-11-DAK-BCW

Judge Dale A. Kimball

Magistrate Judge Brooke C. Wells

**RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR RECOVERY OF
COSTS OF SERVICE OF DEFENDANTS BEALMEAR, FITCH, HOOTS,
LACHANCE, ROBERDS, O'NEILL, AND WILMERING**

COMES NOW Defendants St. Louis County, Missouri, Rebecca Bealmear, Tim Fitch, Sgt.
FNU Hoots, Timothy LaChance, Terry Roberds, Detective O'Neill, and Officer FNU Wilmering,

by and through undersigned counsel, and respectfully request that Plaintiff's motion to recover costs of service be denied. Plaintiff has not established, and did not actually provide, a valid request for service to any of the aforesaid defendants.

Further, Plaintiff has not complied with the mandatory requirements of Rule 4(d). *Scherer v. City of Merriam, et. al.*, No. 01-2092-KHV (D.Kan., July 5, 2001). "A pro se litigant is still obligated to follow the requirements of Fed.R.Civ.P.4." *DiCesare v. Stuart*, 12 F.3d 973,980 (10th Cir. 1993).

Finally, the pro se Plaintiff is not entitled to attorneys' fees or interest. *Kay v. Erler*, 499 U.S. 432 (1991)(The court reasoned that a rule authorizing awards of counsel fees to pro se litigants would create a disincentive to employ counsel). The Court's reasoning in the aforesaid case is not limited to the narrow context of civil rights suits.

WHEREFORE, Defendants St. Louis County, Bealmear, Fitch, Hoots, LaChance, Roberds, O'Neill, and Wilmering respectfully request that the Court Deny Plaintiff's Motion for Recovery of Costs of Service and that the Court rule on Defendants' pending motions to dismiss.

Respectfully Submitted,

OFFICE OF THE COUNTY COUNSELOR

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Missouri, Rebecca Bealmear, Tim Fitch,
Sgt.FNU Hoots, Timothy LaChance, Terry
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Wilmering*

CERTIFICATE OF SERVICE

The undersigned does hereby certify that I caused true and correct copies of the foregoing document to be served upon the parties receiving notice through the Court's ECF system by filing with the Court's ECF system at the date and time filed. The undersigned further certifies that a copy of the foregoing was sent, via first-class mail, postage prepaid, this 22nd day of October, 2013, to: Mr. William Hart, 324 Hickory Street, #8, Carlinville, IL 62626.

/s/ Linda S. Wasserman